



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

February 7, 2014

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To: Supervisor Don Knabe, Chairman  
Supervisor Gloria Molina  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", with a long horizontal line extending to the right.

## SACRAMENTO UPDATE

### Executive Summary

This memorandum contains reports on the following:

- **Pursuit of County Position to Support SB 912 (Mitchell).** SB 912 would delete the repeal date of when vending machine operators would be allowed to cease compliance with the requirement that they offer food and beverage options which meet accepted nutritional guidelines in vending machines operated and maintained on State property. Therefore, unless otherwise directed by the Board, consistent with existing policies to support proposals that increase the availability of healthy food choices, reduce consumption of sugar-sweetened beverages, and enhance healthy eating, **the Sacramento advocates will support SB 912.**
- **Status of County-Advocacy Legislation.** Updates on 12 County-advocacy measures related to: 1) single-use carryout plastic bags; 2) diversion of green waste materials; 3) extended producer responsibility for pharmaceutical and medical waste; 4) greenhouse gas emission programs; 5) household batteries stewardship programs; 6) use of cap and trade auction proceeds to fund sustainable communities strategies; 7) the Tax Equity Allocation formula; 8) arming of probation officers; 9) allocation of Measure B funds; 10) municipal solid waste combustion 11) home-generated pharmaceutical drug waste collections and disposal; and 12) adjustment of the excise tax rate on motor vehicle fuel.

*"To Enrich Lives Through Effective And Caring Service"*

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- **Legislation of County Interest**

- **SB 201(Hancock)** - related to pretrial release and pretrial investigative reports, passed the Senator Floor on January 30, 2014.
- **SB 808 (De León)** - related to regulation of undetectable firearms, passed the Senate Floor on January 24, 2014.
- **SB 935 (Leno)** - related to raising the minimum wage to \$11 per hour by January 1, 2015 and no less than \$13 an hour by January 1, 2017, is currently in the Senate pending referral to committee.

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**Pursuit of County Position on Legislation**

**SB 912 (Mitchell)**, which as introduced on January 23, 2014, would delete the repeal date of when vending machine operators would be allowed to cease compliance with the requirement that they offer food and beverage options which meet accepted nutritional guidelines in vending machines operated and maintained on State property. Upon deletion of the repeal date, vending machine operators that operate and maintain vending machines on State property would be required to offer food and beverage options which meet these accepted nutritional guidelines indefinitely.

SB 912 proposes to delete the repeal date established under SB 441 (Chapter 597, Statutes of 2008). Under SB 441, vending machine operators that operate or maintain a vending machine on State property were required to meet specified nutritional standards in a phased approach with vending machine operators ultimately required to offer, by January 1, 2011, at least 35 percent of food and at least one-third of beverages that meet specified nutritional guidelines. Compliance with the nutritional guidelines required pursuant to SB 441, however, is time-limited as these provisions are to be repealed four years after January 1, 2011.

The Department of Public Health indicates that SB 912 would include expanded access to healthier foods and beverages among State employees and members of the public accessing State facilities which may contribute to improved nutrition among employees and community members.

This office and the Department of Public Health support SB 912. Therefore, unless otherwise directed by the Board, consistent with existing policies to support proposals that increase the availability of healthy food choices, reduce consumption of sugar-sweetened beverages, and enhance healthy eating, **the Sacramento advocates will support SB 912.**

Currently there is no registered support or opposition on file for SB 912; however, this measure is similar in nature to **County-supported AB 459 of 2013** and **County-supported AB 727 of 2011** which were held on the Assembly and Senate Appropriations Suspense File, respectively. AB 459, which was co-sponsored by the American Heart Association, the Center for Public Health Advocacy, and the California Pan-Ethnic Health Network, received the support of, amongst others, Blue Shield of California, Health Access California, and the Public Health Institute. AB 727 was sponsored by the California Pan-Ethnic Health Network and received the support of, amongst others, AltaMed Health Services, the California Center for Public Health Advocacy, California Medical Association, and the Health Officers Association of California.

SB 912 is currently with the Senate Rules Committee for assignment.

#### **Status of County-Advocacy Legislation**

The deadline for bills introduced in 2013 to pass out of their house of origin was January 31, 2014. The following County-advocacy bills did not meet this deadline and, therefore, will not be considered further by the Legislature this session:

**County-support-if-amended AB 158 (Levine)**, which as amended on January 27, 2014, would: 1) as of January 1, 2015, prohibit retail stores from providing a single-use carryout bag to a customer; 2) require these stores to make reusable grocery bags which meet certain requirements available to customers after January 1, 2016; 3) impose these prohibitions and requirements on convenience food stores, foodmarts, and other specified stores on and after January 1, 2016; 4) authorize stores to make recyclable paper bags and compostable reusable bags available for purchase; and 5) preempt a local government from enforcing any ordinance, resolution, regulation, or rule adopted after January 1, 2014, against a store, as defined in the bill, relating to reusable grocery bags, single-use carryout bags, or recycled paper bags, failed passage on the Assembly Floor.

**County-opposed AB 323 (Chesbro)**, which as introduced on February 12, 2013, would phase-out diversion credit for green waste used as alternative daily cover by 2020 and would require large-quantity commercial generators of organic waste that is

traditionally sent to landfills to source separate and recycle this material, failed passage in the Assembly Appropriations Committee.

**County-supported AB 403 (Stone)**, which as amended on April 18, 2013, would require businesses that sell medical sharps to establish a product stewardship plan for the end-of-life management of home-generated medical sharps, failed passage in the Assembly Appropriations Committee.

**County-supported AB 416 (Gordon)**, which as on amended on April 4, 2013, would create the Local Emission Reduction Program to provide local assistance grants and other financial assistance to eligible local governments to develop and implement greenhouse gas emission reduction projects in the State, failed passage in the Assembly Appropriations Committee.

**County-supported AB 488 (Williams)**, which as amended on April 23, 2013, would require producers of non-rechargeable household batteries to develop and implement a plan to collect and manage batteries sold in the State, failed passage in the Assembly Appropriations Committee.

**County-supported AB 574 (Lowenthal)**, which as amended on April 15, 2013, would establish a program to fund sustainable communities strategies (and equivalent greenhouse gas reducing strategies in rural areas) using cap and trade auction proceeds, failed passage in the Assembly Appropriations Committee.

**County-opposed AB 741 (Brown)**, which as introduced on February 21, 2013, would increase the allocation of property tax revenues under a new Tax Equity Allocation formula for qualifying cities beginning in FY 2012-13 and make corresponding reductions in the amount of property tax revenue that is allocated to counties, failed passage in the Assembly Local Government Committee.

**County-opposed AB 1040 (Wieckowski)**, which as introduced on February 22, 2013, would require the chief probation officer of each county to train and arm those probation officers and deputy probation officers who are assigned supervision of persons on probation or Post Release Community Supervision that are deemed high risk, failed passage in the Assembly Public Safety Committee.

**County-opposed AB 1357 (Hernández)**, which as amended on April 8, 2013, would require Measure B trauma care funds collected from properties in the San Gabriel Valley to remain within that region for medical and trauma services to reduce ambulance diversion and establish a task force to study and audit County Measure B

funds collected from properties in the San Gabriel Valley, was held in the Assembly Health Committee on April 30, 2013 at the request of the author.

**County-supported SB 715 (Lara)**, which as amended on April 8, 2013, would classify a facility that is engaged in combustion of municipal solid waste as an eligible renewable energy facility if it meets certain criteria, failed passage in the Senate Energy, Utilities and Communications Committee.

**County-supported SB 727 (Jackson)**, which as amended on April 3, 2013, would require producers of pharmaceutical products sold in the State to develop and implement a program to collect, transport, and process home-generated pharmaceutical drug waste, failed passage in the Senate Environmental Quality Committee.

**County-opposed SB 791 (Wyland)**, which as amended on April 4, 2013, would eliminate the requirement that the State Board of Equalization adjust the rate of the excise tax on motor vehicle fuel, and instead would require the Department of Finance to annually calculate that rate and report the calculated rate to the Joint Legislative Budget Committee, failed passage in the Senate Transportation and Housing Committee.

### **Legislation of County Interest**

**SB 210 (Hancock)**, which as amended on January 27, 2014, would: 1) revise the factors that a judge or magistrate be required to consider when setting, reducing, or denying bail to include the history and characteristics of the defendant and to consider the nature and circumstances of the offense(s); 2) authorize a sheriff, county probation department or other local governmental agency, with the concurrence of the board of supervisors, to employ investigative staff for the purposes of recommending whether a defendant should be released on his or her own recognizance; 3) require a pretrial investigative report to be prepared before a court may order a defendant released on his or her own recognizance in any case involving specified crimes including violent felonies; 4) require any pretrial investigative report to include the results of an evidence-based pretrial risk assessment to evaluate the defendant's probability of appearing at trial and potential risk to public safety; 5) prohibit the defendant from being interviewed about the facts and circumstances of the current offense(s) for purposes of preparing a pretrial investigative report; and 6) authorize a court, sheriff, county probation department or other local governmental agency, with concurrence of the board of supervisors, to employ supervision staff to monitor a defendant's compliance with release conditions ordered by a court, passed the Senate Floor by a vote of 25 to 9 on January 30, 2014. This measure now proceeds to the Assembly.

**SB 808 (De León)**, which as amended on January 21, 2014, would require, commencing January 1, 2016, a person who makes or assembles a firearm to first apply to the California Department of Justice for a unique serial number or other identifying mark and would require anyone who owns a firearm that does not bear a serial number to apply for a unique serial number by July 1, 2016, passed the Senate by a vote of 22 to 10 on January 24, 2014. The provisions of this measure would regulate the production and assembly of undetectable firearms, such as 3D-printed firearms. This measure now proceeds to the Assembly.

**SB 935 (Leno)**, which as introduced on February 3, 2014, would increase the minimum wage to \$11 an hour on January 1, 2015, to \$13 an hour on January 1, 2017, and thereafter, increases it annually based on inflation, is currently in the Senate pending referral to committee.

Under existing law, AB 10 (Chapter 351, Statutes of 2013), increases the minimum wage for all industries to no less than \$9 per hour on July 1, 2014, and to no less than \$10 per hour on January 1, 2016. SB 935 would increase the minimum wage to no less than \$11 an hour on and after January 1, 2015, and to no less than \$13 an hour on and after January 1, 2017. Additionally, this bill would require that thereafter the minimum wage be increased annually using a specified formula that would account for the percentage rate of inflation as indicated by the California Consumer Price Index.

**This office will work with appropriate Departments to determine the potential impact of this measure to the County.**

We will continue to keep you advised.

WTF:RA  
MR:KA:IGEA:ma

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants